

Serial No.: 09/872,668  
Attorney Docket No.: 10008156-1

### **REMARKS**

In response to the Office Action dated August 24, 2005, claims 1, 9, 10, and 13 have been amended. Claims 1-14 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action provisionally rejected claims 1-14 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-37 of co-pending Application No. 09/738,199.

The Applicants respectfully traverse this rejection and submit that the claims of the present case are not claiming the same invention of co-pending Application No. 09/738,199. First, the claims of co-pending Application No. 09/738,199 were amended to include elements that are not present in the present case. Next, the claims of the present case have been amended, which further distinguish the claims of the present case from co-pending Application No. 09/738,199.

The Office Action rejected claims 1-14 under 35 U.S.C. § 102(e) as being anticipated by Castle (U.S. Patent Publication No. 2002/0077891).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

Namely, the Applicants have amended claims 1, 10, and 13 to include creating a customized on demand media delivery system with a registered user database, requiring each registered user to log-in and provide identifying information before receiving media delivery, and providing advertisements that are targeted to the identified particular user. In addition, claim 9 further includes requiring a user to log-in with a magnetic stripe card. The newly amended amend claims are disclosed in at least FIGS. 1-2 and paragraphs [0018] through [0020], [0022], and [0026] through [0028] of the U.S. Patent Publication 2002/0184093 of the current application.

In contrast, the Applicants respectfully submit that Castle does not disclose all of the claimed features. Although Castle discloses a method for placing advertising in an on-line publication with a competitive bidded process that includes automatic adjustment of the advertisement, such as advertisement re-sizing capabilities, Castle is missing some of the Applicants' claimed elements. Specifically, Castle does not disclose the combination of creating a customized on demand media delivery system

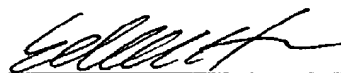
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with a registered user database and requiring each registered user to log-in and provide identifying information before receiving media delivery, and providing advertisements that are targeted to an identified particular user. In addition, Castle does not disclose requiring a user to log-in with a magnetic stripe card.

Hence, since the cited reference does not disclose all of the elements of the claimed invention, the reference cannot anticipate the claims. As such, the Applicants respectfully submit that the rejection under 35 U.S.C. 102 should be withdrawn.

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly request the Examiner to telephone the Applicants' attorney at **(818) 885-1575**. Please note that all mail correspondence should continue to be directed to Hewlett Packard Company  
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P.O. Box 272400  
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Respectfully submitted,  
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